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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: J. VOGEL et al.

Application No.: 10/029,294

Group Art Unit: 1615

Filed: December 28, 2001

Examiner: H. Sheikh

For: IMPLANTABLE PARTICLES FOR TISSUE BULKING AND THE TREATMENT OF GASTROESOPHAGEAL REFLUX DISEASE, URINARY INCONTINENCE, AND SKIN WRINKLES Attorney Docket No.: 9676-311

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action mailed January 27, 2003, in which the captioned application was examined for restriction purposes only. Applicants respectfully request entry of the following remarks and provisional election into the file of the application.

REMARKS

The Examiner has stated that Applicants' response filed November 8, 2002 is not fully responsive because it failed to elect a species of the claimed invention as set forth in the Restriction Requirement dated October 9, 2002.

Applicants respectfully traverse the Examiner's restriction/election requirement and request either withdrawal or modification thereof in accordance with the discussion below. In order to be fully responsive, Applicants provisionally elect, with traverse, collagen or a derivative thereof as the alleged coating species. The claims readable upon the elected species are claims 1-16, 19 and 20. Applicants expressly reserve the right to file one or more divisional or other continuing applications to protect the inventions of the second identified species and other disclosed, but unclaimed, subject matter prior to the issuance of this application.